

January 29, 2009



U.S. Department
of Transportation

East Building, PHH-30
1200 New Jersey Avenue S.E.
Washington, D.C. 20590

**Pipeline and Hazardous
Materials Safety Administration**

DOT-SP 14544
(SECOND REVISION)

EXPIRATION DATE: November 30, 2009

(FOR RENEWAL, SEE 49 CFR § 107.109)

1. GRANTEE: DS Containers, Inc.
Batavia, IL
2. PURPOSE AND LIMITATION:
 - a. This special permit authorizes the transportation in commerce of Division 2.1 and 2.2 hazardous materials in certain non-DOT specification and DOT specification non-refillable aerosol containers which have been tested by an alternative method in lieu of the hot water bath test. This special permit provides no relief from the Hazardous Materials Regulations (HMR) other than as specifically stated herein.
 - b. The safety analyses performed in the development of this special permit only considered the hazards and risks associated with the transportation in commerce. The safety analyses did not consider the hazards and risks associated with consumer use, incorporation as a component of a vehicle or other device, or other uses not associated with transportation in commerce.
 - c. No party status will be granted to this special permit.
3. REGULATORY SYSTEM AFFECTED: 49 CFR Parts 106, 107 and 171-180.
4. REGULATIONS FROM WHICH EXEMPTED: 49 CFR § 173.306(a)(3)(v) in that the prescribed hot water bath test is replaced by an alternative test method authorized herein.

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5. BASIS: This special permit is based on the application of DS Containers, Inc. dated November 4, 2008 submitted in accordance with § 107.105 and the public proceeding thereon.
6. HAZARDOUS MATERIALS (49 CFR § 172.101):

Hazardous Materials Description			
Proper Shipping Name	Hazard Class/ Division	Identification Number	Packing Group
Aerosols, flammable, (each not exceeding 1 L capacity)	2.1	UN1950	N/A
Aerosols, non-flammable, (each not exceeding 1 L capacity)	2.2	UN1950	N/A

7. SAFETY CONTROL MEASURES:

a. PACKAGING - Packagings prescribed are DOT Specification 2P or 2Q or non-DOT specification non-refillable containers of a two-piece design. The containers must meet the requirements of § 173.306(a) except for the hot water bath test. The containers must be manufactured by DS Containers in accordance with drawings on file with the Office of Hazardous Materials Special Permits and Approvals (OHMSPA). During manufacturing, DS Containers must have subjected each container to a 100%, automated inspection of the bottom ends, the curl openings, and the can bodies. Each container must also be subjected to a high-pressure air test at 120 psig. Any can that shows evidence of leakage or defects must be rejected.

b. OPERATIONAL CONTROLS -

(1) Prescribed containers may be transported under the provisions of § 173.306(a).

(2) For containers manufactured under this special permit DS Containers shall maintain records of all customers to whom containers have been sold.

(3) DS Containers must verify that each customer maintains records that its employees have been trained in the proper filling and sealing of the containers as

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well as the operation of the alternate testing equipment.

c. TESTING -

(1) Prior to filling, each filler shall ensure that the crimping equipment is set appropriately and an appropriate propellant is used.

(2) Prior to being offered for transportation, each filled container must be weighed and leak tested. The leak detection equipment shall be sufficiently sensitive to detect at least a leak rate of 2.0×10^{-3} mbar.l.s⁻¹ at 20°C (68°F). Any filled container that shows evidence of leakage, deformation or excessive mass must be rejected.

8. SPECIAL PROVISIONS:

a. A person who is not a holder of this special permit who receives a package covered by this special permit may reoffer it for transportation provided no modification or change is made to the package or its contents and it is reoffered for transportation in conformance with this special permit and the HMR.

b. A current copy of this special permit must be maintained at each facility where the package is offered or reoffered for transportation.

c. In addition to the marking required for DOT 2P or 2Q Specification containers, as applicable, each container must be plainly and durably marked "DOT-SP 14544" as specified in § 172.301(c).

d. Each filler of packages authorized under this special permit must submit to OHMSPA the weight and leak tested data required by paragraph 7.c.(2) above for the first twenty (20) lots of containers shipped.

9. MODES OF TRANSPORTATION AUTHORIZED: As authorized in the HMR for the materials listed in paragraph 6.

10. MODAL REQUIREMENTS: A current copy of this special permit must be carried aboard each cargo vessel, aircraft or motor vehicle used to transport packages covered by this special permit. The shipper must furnish a copy of this special

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permit to the air carrier before or at the time the shipment is tendered.

11. COMPLIANCE: Failure by a person to comply with any of the following may result in suspension or revocation of this special permit and penalties prescribed by the Federal hazardous materials transportation law, 49 U.S.C. 5101 et seq:

- o All terms and conditions prescribed in this special permit and the Hazardous Materials Regulations, 49 CFR Parts 171-180.
- o Persons operating under the terms of this special permit must comply with the security plan requirement in Subpart I of Part 172 of the HMR, when applicable.
- o Registration required by § 107.601 et seq., when applicable.

Each "Hazmat employee", as defined in § 171.8, who performs a function subject to this special permit must receive training on the requirements and conditions of this special permit in addition to the training required by §§ 172.700 through 172.704.

No person may use or apply this special permit, including display of its number, when this special permit has expired or is otherwise no longer in effect.

Under Title VII of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU)—"The Hazardous Materials Safety and Security Reauthorization Act of 2005" (Pub. L. 109-59), 119 Stat. 1144 (August 10, 2005), amended the Federal hazardous materials transportation law by changing the term "exemption" to "special permit" and authorizes a special permit to be granted up to two years for new special permits and up to four years for renewals.

12. REPORTING REQUIREMENTS: Shipments or operations conducted under this special permit are subject to the Hazardous Materials Incident Reporting requirements specified in 49 CFR §§ 171.15 - Immediate notice of certain hazardous

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materials incidents, and 171.16 - Detailed hazardous materials incident reports. In addition, the grantee(s) of this special permit must notify the Associate Administrator for Hazardous Materials Safety, in writing, of any incident involving a package, shipment or operation conducted under terms of this special permit.

Issued in Washington, D.C.:



for Theodore L. Willke
Associate Administrator for Hazardous Materials Safety

Address all inquiries to: Associate Administrator for Hazardous Materials Safety, Pipeline and Hazardous Material Safety Administration, U.S. Department of Transportation, East Building PHH-30, 1200 New Jersey Avenue, Southeast, Washington, D.C. 20590.

Copies of this special permit may be obtained by accessing the Hazardous Materials Safety Homepage at http://hazmat.dot.gov/sp_app/special_permits/spec_perm_index.htm. Photo reproductions and legible reductions of this special permit are permitted. Any alteration of this special permit is prohibited.

PO: CHHOCHMAN